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09/544,823	04/06/2000	Stephane Herman Maes	YO999-478	9287

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 05/07/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,823

Applicant(s)

MAES ET AL.

Examiner

Douglas B Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 14.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-91 are currently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 29, 34, 36-56, 73, 78, 80-87, and 90-91 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,088,675 to MacKenty et al..
4. MacKenty teaches the invention as claimed (As in exemplary claim 90) including a browser apparatus for use in providing access to an application by a user through one or more computer-based devices, comprising a machine readable medium containing computer executable code (col. 3, lines 49-65) which when executed permits the implementation of the steps of: obtaining the application from an application server (col. 3, lines 49-65), the application being programmatically represented by interaction that the user is permitted to have with one or more computer-based devices by interaction-based programming components (col. 3, lines 49-65, the SGML document defines the interaction that a user is permitted to have.), wherein the interaction-based programming components are independent of content/application logic and

Art Unit: 2142

presentation requirements associated with the application (col. 3, lines 49-65, the SGML document can be conventionally viewed by a browser or listened to.); and transcoding the interaction-based programming components on a component by component basis to generate one or more modality specific renderings of the application on the one or more computer-based devices (col. 4, lines 15-43, the sonification engine transcodes tags into sounds on a component by component basis.).

5. As to claims 1, 44, and 91, they feature the same limitations as claim 90 and are thus rejected on the same basis as claim 90.

6. As to claim 45, MacKenty teaches an apparatus wherein one or more processors are distributed over the one or more computer-based devices (col. 3, lines 49-65).

7. As to claim 46, MacKenty teaches an apparatus wherein at least a portion of the application is to be downloaded from a server to at least one of computer-based device, acting as a client, further comprising the step of including code in the application operative to provide a connection to the content/application logic resident at the server (col. 3, lines 49-65).

8. As to claim 47, MacKenty teaches an apparatus wherein the content/application logic connection expresses at least one of one or more data models, attribute constraints and validation rules associated with the application (col. 4, lines 15-43).

9. As to claim 48, MacKenty teaches an apparatus wherein one or more modality specific rendering comprise a speech-based representation of portions of the application (col. 4, lines 15-43).

10. As to claim 50, MacKenty teaches one or more modality-specific renderings comprising a visual-based representation of portions of the application (col. 3, lines 49-65).

Art Unit: 2142

11. As to claim 51, MacKenty teaches a visual-based representation based on HTML (col. 3, lines 49-65).

12. As to claims 52-54, MacKenty teaches user interactions declaratively and imperatively represented by the interaction-based programming components (col. 3, lines 49-65).

13. As to claim 55, MacKenty teaches interaction-based programming components comprising basic elements associated with a dialog that may occur between the user and one or more computer-based devices (col. 3, lines 49-65).

14. As to claim 56 MacKenty teaches interaction based programming components comprising complex elements, the complex elements being aggregations of two or more of the basic elements associated with the dialog that may occur between the user the one or more computer-based devices (col. 3, lines 49-65).

15. As to claim 73, MacKenty teaches a step of providing a mechanism for defining logical input events and the association between the logical input events and physical input events that trigger the defined logical input events (col. 4, lines 15-43).

16. As to claim 78, MacKenty teaches a representation wherein the interaction-based programming components supports a natural language understanding environment (col. 4, lines 15-43).

17. As to claim 80, MacKenty teaches a step of including code for permitting changes to rules for transcoding on a component by component basis to generate the one or more modality specific renderings of the application on the one or more computer-based devices (col. 3, lines 49-65).

Art Unit: 2142

18. As to claim 81, MacKenty teaches a definition of an underlying data model being populated is separated from a markup language defining user interaction (col. 4, lines 15-43).
19. As to claim 82, MacKenty teaches a node_id attribute attached to each component and the attribute is mapped over to various outputs (col. 4, lines 15-43).
20. As to claim 83, MacKenty teaches an author provided with a pass through mechanism to encapsulate modality-specific markup components (col. 4, lines 15-43).
21. As to claim 84, MacKenty teaches components which may be active in parallel (col. 3, lines 49-65).
22. As to claim 85, MacKenty teaches a representation and transcoding as being extensible (col. 3, lines 49-65).
23. As to claim 86, MacKenty teaches a state of the application being encapsulated (col. 3, lines 49-65).
24. As to claim 87, MacKenty teaches a representation permitted to reference the dynamically generated data and supports callback mechanisms to the content/application logic (col. 4, lines 15-43).
25. As to claims 2-12, 29, 34, and 36-43, these claims have the same limitations claims 46-73, 78, and 80-87 and are thus rejected on the same basis as claims 46-56, 73, 78, and 80-87.

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2142

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 5 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of the article entitled "New VXML Forum" posted at Cover Pages Hosted by Oasis.

28. As to claim 49, MacKenty teaches the creation of a speech-based representation based on an SGML document that can include XML (col. 3, lines 49-65); however, MacKenty does not specifically teach the use of VoiceXML.

The article entitled "New VXML Forum" teaches the use of VoiceXML.

It would have been obvious for one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of MacKenty regarding a speech application system with VoiceXML because VoiceXML is a form of SGML document.

29. As to claim 5, it features the same limitation as claim 49 and is thus rejected for the same reason as claim 49.

30. Claims 13-28 and 57-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of U.S. Patent Number 6,269,336 to Ladd et al..

31. As to claim 57, MacKenty teaches the invention of claim 44 however; MacKenty does not explicitly teach the use of conversational gestures.

32. Ladd teaches interaction-based programming components represent conversational gestures (col. 12, lines 30-67).

33. It would have been obvious to one of ordinary skill in the Computer networking art at the time of the invention to combine the teachings of MacKenty regarding the transcoding of

Art Unit: 2142

application components with the teachings of Ladd regarding the use of conversational gestures because conversational gestures facilitate interaction with a user and an application component.

34. As to claim 58, Ladd teaches conversational gestures comprising a gesture for encapsulating contextual informational messages to the user (col. 12, lines 30-67).

35. As to claim 59, Ladd teaches conversational gestures comprising a gesture for encapsulating contextual help information (col. 12, lines 30-67).

36. As to claim 60, Ladd teaches conversational gestures comprising a gesture for encapsulating actions to be taken upon successful completion of another gesture (col. 12, lines 30-67).

37. As to claim 61, Ladd teaches conversational gestures comprising a gesture for encapsulating yes or no based questions (col. 12, lines 30-67).

38. As to claim 62, Ladd teaches conversational gestures comprising a gesture for encapsulating dialogues where the user is expected to select from a set of choices (col. 12, lines 30-67).

39. As to claim 63, Ladd teaches a gesture comprising a subelement that represents the set of choices (col. 12, lines 30-67).

40. As to claim 64, Ladd teaches a gesture comprising a subelement that represents a test that the selection should pass (col. 12, lines 30-67)

41. As to claim 65, Ladd teaches a gesture comprising a subelement that represents an error message to be presented if the test fails (col. 12, lines 30-67).

42. As to claim 66, Ladd teaches conversational gestures comprising a gesture for encapsulating rules for validating results of a given conversational gesture (col. 18, lines 56-65).

Art Unit: 2142

43. As to claim 67, Ladd teaches conversational gestures comprising a gesture for encapsulating grammar-processing rules (col. 18, lines 56-65).

44. As to claim 68, Ladd teaches conversational gestures comprising a gesture for encapsulating dialogues that help the user navigate through portions of the application (col. 12, lines 30-67).

45. As to claim 69, Ladd teaches conversational gestures comprising a gesture for encapsulating a request for at least one of user login and authentication information (col. 21, lines 25-40).

46. As to claim 70, Ladd teaches conversational gestures comprising a request for constrained user input (col. 12, lines 30-67).

47. As to claim 71, Ladd teaches conversational gestures comprising a request for unconstrained user input (col. 12, lines 30-67).

48. As to claim 72, Ladd teaches conversational gestures comprising a gesture for controlling submission of information (col. 12, lines 30-67).

49. As to claims 13-28, they feature the same limitations as claims 57-72 and are rejected for the same reasons as claims 57-72.

50. Claims 31-32 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of U.S. Patent Number 6,569,207 to Sundarsesan.

51. As to claim 75, MacKenty does not explicitly teach the use of a Java Bean for transcoding components.

Art Unit: 2142

Sundarsesan teaches the use of a Java Bean for transcoding components (col. 9, lines 6-37).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of MacKenty regarding a speech application system with the Java and Java Beans because Java provides multi-platform functionality to an application.

52. As to claim 76, MacKenty does not explicitly teach the use of a Java Server Pages for transcoding components.

Sundarsesan teaches the use of Java Server Pages for transcoding components (col. 12, lines 29-49).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of MacKenty regarding a speech application system with the Java and Java Server Pages because Java provides multi-platform functionality to an application.

53. As to claims 31-32, they feature the same limitations as claims 75-76 and are rejected on the same basis as claims 75-76.

54. Claims 30 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of the World Wide Web Consortium document entitled "Extensible Stylesheet Language (XSL) version 1.0" (hereinafter referred to as "XSL version 1.0 specification").

55. As to claim 74, MacKenty does not teach the use of XSL.

The XSL version 1.0 specification teaches component transcoding performed in accordance with XSL transformation rules (Overview, page 7).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of MacKenty regarding a speech application system with XSL because XSL reduces the amount of code needed to create XML objects (Overview, page 7).

56. As to claim 30, it features the same limitation of claim 74 and is thus rejected on the same basis as claim 74.

57. Claims 33, 77, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of U.S. Patent Number 6,493,758 to McLain.

58. As to claim 77, MacKenty teaches the apparatus of claim 44; however, MacKenty does not explicitly teach synchronization.

McLain teaches an apparatus with a representation by interaction-based programming components permitting synchronization of one or more modality-specific renderings of an application on one or more computer-based devices (col. 3, lines 40-65).

It would have been obvious to one of ordinary skill in the Computer Networking art to combine the teachings of MacKenty regarding a speech application system with the teachings of McLain regarding synchronization because synchronization ensures that the application will be provided with up to date data (McLain, col. 4, lines 1-6).

59. As to claims 33 and 88, they feature similar limitations to claim 77 and are rejected on the same basis as claim 77.

Art Unit: 2142

60. Claims 35, 79, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,088,675 to MacKenty et al. in view of U.S. Patent Number 6,456,974 to Baker et al..

61. As to claim 79, MacKenty teaches the apparatus of claim 44; however, MacKenty does not explicitly teach display aspects.

Baker teaches code for permitting cosmetic altering of a presentational feature associated with one or more modality-specific renderings of an application on one or more computer-based devices in an integrated speech based browsing system (col. 3, lines 7-32).

It would have been obvious to one of ordinary skill in the Computer Networking art to combine the teachings of MacKenty regarding a speech application system with the teachings of Baker regarding cosmetic altering changes because combining speech with cosmetic aspects creates smarter user interfacaes (Baker, col. 1, lines 15-41).

62. As to claims 33 and 89, they feature similar limitations to claim 79 and are rejected on the same basis as claim 79.

Response to Arguments

63. Applicant's arguments with respect to claims 1-91 have been considered but are moot in view of the new ground(s) of rejection.

64. To differentiate the claims from the prior art it is suggested that key elements of the invention should be added to the claims such as details describing how XML is used to create the "interaction-based programming components" and how style sheets are used to render content in

Art Unit: 2142

accordance with one or more modality-specific browsers associated with one or more computer-based devices.

Conclusion

65. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Number 6,115,686 to Chung et al. teaches a markup language document to speech converter similar to that taught by MacKenty. U.S. Patent Number 6,418,439 to Papierniak et al. teaches a system which also renders application components regardless of modality.

66. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair
May 2, 2004

DBB


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER